

EXHIBIT B1



Practice Areas

- Appellate Law
- Commercial Litigation
- Insurance Law

Education

- University of Houston Law Center, J.D.
- Texas A&M University, B.S.

Honors

- Listed in Chambers USA: America's Leading Lawyers for Business, as a "Recognized Practitioner" for Appellate in Texas (2019)
- Listed in Best Lawyers in America, 2020-present
- Named a "Top Lawyer" by Houstonia Magazine, 2019

Bar Admissions

- Texas

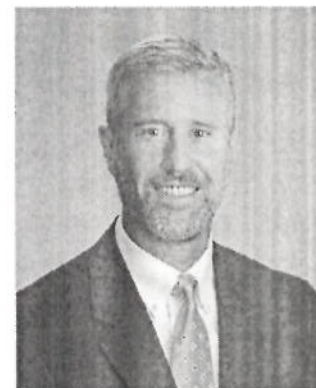
Court Admissions

- United States Supreme Court
- Texas State Courts
- Fifth Circuit Court of Appeals
- All Federal District Courts in Texas

Steven J. Knight

Shareholder
Houston

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Houston, Texas 77002-4310
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www.chamberlainlaw.com



Steve Knight is a Shareholder in the Houston Litigation group and Practice Chair of the firm's Appellate Law section.

Throughout his career, Mr. Knight has successfully represented clients at every phase of the appellate process, from handling critical phases of the trial to assure error preservation, through briefing and arguing appellate cases in the Texas Supreme Court, the Fifth Circuit Court of Appeals, and intermediate appellate courts throughout the state. Mr. Knight has prepared and filed countless winning appellate briefs, achieving successful results in the vast majority of his appeals.

Mr. Knight frequently consults with trial attorneys, both within the firm and outside of the firm, to provide guidance on important and complex matters, including error preservation, preparing customized jury charges, handling jury charge conferences at trial, crafting successful arguments for dispositive motions and briefs, and handling mandamus and interlocutory appellate proceedings to better position the case for success at trial. Most recently, Mr. Knight's appellate victories have included: reversing a significant adverse judgment in a complex intellectual property dispute following a jury trial; affirming a favorable bench-trial verdict in a significant construction law dispute; affirming a summary judgment in a high-profile work-place shooting case. Other notable appellate cases handled by Mr. Knight are listed below.

In addition to his appellate practice, Mr. Knight has significant experience in both state and federal courts successfully handling many other areas of civil litigation and dispute resolution, including matters involving insurance, contracts, employment, products liability, warranties, premises liability, consumer protection, and personal injury.

Mr. Knight is a member of the Houston Bar Appellate Section and the Texas State Bar Appellate Section, where he currently serves as the co-chair of the Appellate CLE Committee.



Clerkships

- Appellate Briefing Attorney,
Eighth Judicial District
Court of Appeals

Steven J. Knight, *Continued*

Significant Appellate Cases

- *Bos v. Smith*, __ S.W.3d __, 2018 WL 274914 (Tex. 2018). The Texas Supreme Court reversed a \$7.5 million judgment entered against grandparents who were accused of "aiding and assisting" their daughter's interference with their former son-in-law's possessory rights and breaching various duties allegedly owed to their grandchildren. The supreme court rendered a take nothing judgment in favor of the grandparents.
- *McClendon v. United States*, 892 F.3d 775 (5th Cir. 2018). The Fifth Circuit Court of Appeals reversed a \$4.3 million summary judgment entered against the owner of a medical practice, finding that the owner's summary judgment evidence was sufficient to raise a genuine issue of material fact as to whether he can be held personally liable for a trust fund tax penalty.
- *In re Matthew Cassar*, No. 14-17-00825-CV, 2018 WL 830687 (Tex. App.—Houston [14th Dist.] Feb. 13, 2018). The Fourteenth Court of Appeals granted a petition for writ of mandamus in a probate proceeding, finding that the probate court's order requiring an independent administrator to post a bond was an abuse of discretion.
- *Seeger v. Del Lago Owners Association*, No. 09-00450-CV, 2018 WL 2055435 (Tex. App.—Beaumont May 3, 2018). The Ninth Court of Appeals affirmed a judgment in favor of a homeowners association, entitling the association to collect unpaid maintenance fees and its attorneys' fees.
- *Sims v. City of Madisonville*, __ S.W.3d __, 2018 WL 2752714 (Tex. App.—El Paso 2018). The Eighth Court of Appeals affirmed a plea to the jurisdiction challenge, finding that the appellant did not timely perfect his appeal.
- *Kuentz v. Cole Systems Group, Inc.*, __ S.W.3d __, 2017 WL 5493177 (Tex. App.—Houston [14th Dist.] 2017). The Fourteenth Court of Appeals affirmed a summary judgment in favor of a pre-employment screening firm in a high-profile workplace shooting lawsuit, holding that the firm's duties are limited to the services it agreed to perform and neither general tort concepts nor promotional materials give rise to heightened duties.
- *Whole Foods Market Rocky Mountain/Southwest, L.P. v. Cleveland Construction, Inc.*, __ S.W.3d __, 2017 WL 3429939 (Tex. App.—Houston [1st Dist.] 2017, no pet.). The First Court of Appeals affirmed a significant bench verdict in a breach of contract case, holding that the project owner committed a material breach by withholding the final payment; the fact that a subcontractor filed a "fund-trapping notice" did not excuse the breach; and the contractual indemnification provision did not require general contractor to indemnify the project owner.



Steven J. Knight, *Continued*

- *Farmers Texas County Mutual Insurance Company v. Okelberry*, 525 S.W.3d 786 (Tex. App.—Houston [14th Dist.] 2017, pet. denied). The Fourteenth Court of Appeals reversed a trial court's improper settlement allocation, holding that community property laws do not apply to deprive an underinsured motorist insurer of the full settlement credit, and the insured, not the insurer, has the burden of proof with respect to allocation.
- *Streamline Production Systems, Inc. v. Streamline Manufacturing, Inc.*, 851 F.3d 440 (5th Cir. 2017). The Fifth Circuit Court of Appeals reversed a significant damage award in a trademark infringement case following a jury trial, holding that the plaintiff failed to establish a legal or factual basis for the recovery of "royalty" damages, unjust enrichment, or exemplary damages.
- *Syed, M.D. v. Wellness Pharmacy*, No. 01-16-00856-CV, 2017 WL 4171939 (Tex. App.—Houston [1st Dist.] September 21, 2017, pet. denied). The First Court of Appeals affirmed the trial court's ruling that business disparagement claims against a physician concerning alleged statements to shared clients are not health care liability claims because, "[a]t most, appellees' claims are 'merely tangential[ly] related to the medical services provided by appellants,' which is insufficient to invoke the Act.
- *Hartford Cas. Ins. Co., et al. v. DP Engineering, L.L.C., et al.*, 827 F.3d 423 (5th Cir. 2016). The Fifth Circuit Court of Appeals affirmed a summary judgment in an alleged duty to defend case, holding that a "professional services" exclusion in a commercial general liability policy was invoked such that the insurance carrier did not owe a duty to defend in litigation that stemmed from an accident at a nuclear power plant.
- *Timothy White v. Regional Adjustment Bureau, Inc.*, 647 Fed.Appx. 410 (5th Cir. 2016). The Fifth Circuit Court of Appeals reversed an unusual and severe sanction order against a practicing attorney.
- *McCrary v. Brian Davidson d/b/a Panoramic Investigations*, 513 S.W.3d 1 (Tex. App.—Houston [14th Dist.] 2016, no pet). The Fourteenth Court of Appeals affirmed a summary judgment in a disparagement lawsuit, reflecting the importance of an appellant challenging each potential basis for summary judgment when the trial court does not specify the precise ground for the ruling.
- *Gunda Corp. v. Yazhari*, No. 14-12-00263–CV, 2013 WL 440577 (Tex. App.—Houston [14 Dist.] Feb. 5, 2013, no pet.). The Fourteenth Court of Appeals reversed the trial court's refusal to enforce an arbitration clause in an employment dispute.
- *Weeks Marine, Inc. v. Garza*, 371 S.W.3d 157 (Tex. 2012). The Texas Supreme Court defined what narrow instruction amounts to a "specific order" for purposes of the "exception" to contributory negligence in Jones Act cases.
- *Presley v. N.V. Masureel Veredeling*, 370 S.W.3d 425 (Tex. App.—Houston [1st Dist.] 2012, no pet.). The First Court of Appeals decided important issues arising under Chapter 36 of the Texas Civil Practice and Remedies Code—Texas's version of the Uniform Enforcement of Foreign Judgments Act.
- *Avelo Mortg., LLC v. Infinity Capital, LLC*, 366 S.W.3d 258 (Tex. App.—Houston [14th Dist.] 2012, no pet). The Fourteenth Court of Appeals interpreted the Texas Tax Code and held that a transferee of a tax lien had a priority interest in real property.
- *Saqui v. Pride Cent. America, LLC*, 595 F.3d 206 (5th Cir. 2010). The Fifth Circuit Court of Appeals rejected the notion that courts in Mexico are deprived of jurisdiction over cases that have first been dismissed in the United States based on forum non-conveniens.
- *In re Wakefield*, No. 14-10-01160-CV, 2010 WL 5237857 (Tex. App.—Houston [14th Dis.] Dec. 15, 2010, no pet.). The Fourteenth Court of Appeals granted a petition for writ of mandamus, directing the trial court to vacate an order requiring funds to be deposited into the court's registry.
- *AccuFleet, Inc. v. Hartford Fire Ins. Co.*, 322 S.W.3d 264 (Tex. App.—Houston [1st Dist.] 2009, no pet.). The First Court of Appeals analyzed complex "additional insured" issues in an insurance coverage dispute.



Steven J. Knight, *Continued*

- *Jenkins & Gilchrist v. Groia & Co.*, 542 F.3d 114 (5th Cir. 2008). The Fifth Circuit Court of Appeals set aside a default judgment, affirming the proposition that any doubt should generally be resolved in favor of securing a trial on the merits.
- *Braspetro Oil Services Co. v. Modex (USA), Inc.*, 240 Fed.Appx. 612 (5th Cir. 2007). The Fifth Circuit affirmed the trial court's dismissal of a lawsuit based on a forum selection clause, holding that the forum selection clause applied and that enforcement of the clause was not unjust and unreasonable.
- *Lone Star Heat Treating Co., Ltd. v. Liberty Mut. Fire Ins. Co.*, 233 S.W.3d 524 (Tex. App.—Houston [14th Dist.] 2007, no pet.). The Fourteenth Court of Appeals held that a "dishonesty" exclusion in an insurance policy did not apply with regard to a theft resulting from the named insured's employee entrusting valuable metal to thief who posed as a customer.
- *In re Craig's Stores of Texas, Inc.*, 402 F.3d 522 (5th Cir. 2005). The Fifth Circuit Court of Appeals resolved a long-standing banking dispute, holding that funds deposited into the registry of the court must be returned to the depositor if the court lacks jurisdiction over the substantive dispute.
- *Schauer v. Morgan*, 175 S.W.3d 397 (Tex. App.—Houston [1st Dist.] 2005, no pet.). The First Court of Appeals held that a city police officer was immune from liability in an action brought by an arrestee to recover for personal injuries after the arrestee refused to identify himself to the officer who was acting as a security guard at the time.
- *Brenham Housing Authority v. Davies*, 158 S.W.3d 53 (Tex. App.—Houston [14th Dist.] 2005, no pet.). The Fourteenth Court of Appeals held that statutes governing obligations of housing authorities under lease or rental agreements precluded the imposition of liability on the housing authority for a personal injury claim arising under a lease agreement.
- *Palacio v. AON Properties, Inc.*, 110 S.W.3d 493 (Tex. App.—Waco 2003, no pet.). The Tenth Court appeals affirmed a summary judgment in a shooting/premises liability case, holding that criminal act was not foreseeable to the property owner and manager.
- *Rayon v. Energy Specialties, Inc.*, 121 S.W.3d 7 (Tex. App.—Fort Worth 2002, no pet.). The Second Court of Appeals affirmed a final judgment in favor of a subcontractor, noting the important standards for the admissibility of expert testimony and the prohibition of "inference stacking."
- *Collinsworth v. Eller Media Co.*, No. 01-01-00749-CV, 2003 WL 21299954 (Tex. App.—Houston [1st Dist.] June 5, 2003, no pet.). The First Court of Appeals affirmed a summary judgment in favor of defendants in a personal injury action, holding that the injured worker waived for appellate review his claim that there was inadequate time for discovery before trial court granted summary judgment motions.
- *Telthorster v. Tennell*, 92 S.W.3d 457 (Tex. 2002). The Texas Supreme Court decided that the "risk" and "need" factors applicable to evaluating a police officer's conduct in an emergency response context do not apply to injuries allegedly suffered during an ordinary arrest.
- *Wal-Mart Stores, Inc. v. Reece*, 81 S.W.3d 812 (Tex. 2002). The Texas Supreme Court clarified the standards of proof relating to circumstantial evidence and constructive notice in premises liability suits.
- *Wal-Mart Stores, Inc. v. Bolado*, 54 S.W.3d 837 (Tex. App.—Corpus Christi 2001, no pet.). The Thirteenth Court of Appeals reversed and rendered the trial court's erroneous order granting judgment notwithstanding the verdict to a plaintiff in a personal injury/premises liability case.



Steven J. Knight, *Continued*

- *Rice Food Markets, Inc. v. Ramirez*, 59 S.W.3d 726 (Tex. App.—Amarillo 2001, no pet.). The Seventh Court of Appeals reversed, in part, a judgment against a convenience store that was premised on theories of false imprisonment in relation to a theft incident, holding that there was insufficient evidence to support a mental anguish award.
- *North American Van Lines, Inc. v. Emmons*, 50 S.W.3d 103 (Tex. App.—Beaumont 2001, pet. denied). A complex multi-million dollar verdict resulted in joint and several liability on multiple theories against numerous defendants following a trucking accident. The Ninth Court of Appeals affirmed in part, reformed in part, and reversed and rendered in part, holding, among other things, that the driver, carrier, and subsidiary did not act with malice sufficient to support punitive damages award.

Other Noteworthy Appellate Cases

- *Hamdan v. Hamdan*, No. 14-16-00548-CV, 2017 WL 4930933 (Tex. App.—Houston [14th Dist.] Oct. 31, 2017, no pet.)
- *Silva v. The City of Pasadena*, No. 14-15-00062-CV, 2016 WL 1043135 (Tex. App.—Houston [14th Dist.] March 15, 2016, no pet.).
- *Taylor v. Langham, et al.*, No. 09-14-00193-CV, 2015 WL 1540981 (Tex. App.—Beaumont April 2, 2014, no pet.)
- *Fagerberg v. Steve Madden*, No. 03-13-00286-CV, 2015 WL 4076978 (Tex. App.—Austin July 3, 2015, pet. denied)
- *Murray v. Chick-Fil-A*, 626 Fed.Appx. 515 (5th Cir. 2015).
- *First Community Bancshares v. St. Paul Mercury Ins. Co.*, 593 Fed.Appx. 286 (5th Cir. 2015)
- *Martin v. Chick-Fil-A*, No. 14-13-00025-CV, 2014 WL 465851 (Tex. App.—Houston [14th Dist.] Feb. 4, 2014, no pet.)
- *Derrick Turner v. Package Express LP*, No. 14-12-00241-CV, 2013 WL 2149786, (Tex. App.—Houston [14th Dist.] May 16, 2013, no pet.)
- *Sadler Clinic v. Hart, et al.*, 403 S.W.3d 891 (Tex. App.—Beaumont 2013, pet. denied)
- *Hollingshead v. West Texas Center for MHMR*, 416 S.W.3d 152 (Tex. App.—Eastland 2013, no pet.)
- *Steve Holmes, et al. v. John L. Graves, et al.*, No. 01-12-01032-CV, 2013 WL 6506306 (Tex. App.—Houston [1st Dist.] Dec. 10, 2013, no pet.)
- *EMS USA, Inc. v. Epoxy Design Systems, Inc.*, No. 14-10-01037-CV, 2012 WL 1424802 (Tex. App.—Houston [14th Dist.] April 24, 2012, no pet.)
- *Grayson ex rel. v. Grayson*, No. 01-09-00856-CV, 2011 WL 2304163 (Tex. App.—Houston [1st Dist.] May 19 2011, no pet.)
- *Taylor v. Hartford Fire Ins. Co.*, No. 01-10-00221-CV, 2010 WL 4398751 (Tex. App.—Houston [1st Dist.] Nov. 4, 2010, no pet.)
- *New Medical Horizons II, Ltd. v. Jacobson*, 317 S.W.3d 421 (Tex. App.—Houston [1st Dist.] 2010, no pet.).
- *Grayson v. Grayson Armature Large Motor Div., Inc.*, No. 14-09-00748-CV, 2010 WL 2361432 (Tex. App.—Houston [14th Dist.] June 15, 2010, pet. denied)
- *Morton v. Kelley*, No. 01-09-00428-CV, 2010 WL 4056516 (Tex. App.—Houston [1st Dist.] Oct. 14, 2010, no pet.)
- *Robin Singh Educ. Svc. v. Excel Test Prep., Inc.*, 291 Fed.Appx. 620 (5th Cir. 2008).
- *Fort Bend County v. Burlington Northern and Santa Fe Ry. Co.*, 237 S.W.3d 355 (Tex. App.—Houston [14th Dist.] 2007, pet. denied).
- *Rogers v. Texas Sterling Const. L.P.*, No. 14-05-01061-CV, 2007 WL 925784 (Tex. App.—Houston [14th Dist.] March 29, 2007, no pet.)



Steven J. Knight, *Continued*

- Lazo v RSI International, Inc., No. 14-06-00432-CV, 2007 WL 2447299 (Tex.App.—Houston [14th Dist.] Aug. 30, 2007, no pet.)
- Dynacq Healthcare, Inc. v. Seth, No. 01-06-00188-CV, 2007 WL 2005023 (Tex. App.—Houston [1st Dist.] July 12, 2007, pet denied)
- Bishop v. King, No. 14-05-01138-CV, 2006 WL 3193708 (Tex. App.—Houston [1st Dist.] Nov. 7, 2006, no pet.)
- Rex v. Chumley, 169 Fed.Appx. 386 (5th Cir. 2006)
- Cochran v. City of Deer Park, Tex., 108 Fed.Appx. 129 (5th Cir. 2004)
- Hershey v. Duncan, Nos. 13-01-688-CV, 13-02-673-CV, 2004 WL 2471679 (Tex. App.—Corpus Christi Nov. 4, 2004, pet denied)
- City of Galveston v. Albright, No. 14-04-00072-CV, 2004 WL 2439231 (Tex. App.—Houston [14th Dist.] Nov. 2, 2004, no pet.)
- Fein v. R.P.H., Inc., 68 S.W.3d 260 (Tex. App.—Houston [14th Dist.] 2002, pet denied).
- Withrow v. Carter, No. 01-00-00062-CV, 2001 WL 492460 (Tex. App.—Houston [1st Dist.] May 10, 2001, no pet.)
- Wal-Mart Stores, Inc. v. McGrough, No. 14-00-00199-CV, 2001 WL 1340364 (Tex. App.—Houston [14th Dist.] Nov. 1, 2001, no pet.)
- Mitchell v. Simpro, Inc., No. 14-01-00623-CV, 2001 WL 1388014 (Tex. App.—Houston [14th Dist.] Nov. 8, 2001)
- Wal-Mart Stores, Inc. v. Renteria ex rel. Renteria, 52 S.W.3d 848 (Tex. App.—San Antonio 2001, pet. denied)
- Wal-Mart Stores, Inc., v. Cockrell, 61 S.W.3d 774 (Tex. App.—Corpus Christi 2001, no pet.)
- Davis v. City of Palestine, 988 S.W.2d 854 (Tex. App.—Tyler 1999)

Seminars & Presentations

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- Moderator, Texas State Bar Appellate Section and Individual Rights and Responsibilities Section, Texas State Bar Convention, June 2016
 - Speaker, Author, and Program Director, "Handling Your First (or Next) Civil Appeal," State Bar of Texas CLE Seminar, April 15, 2016
 - Speaker at the March 9, 2016, Houston Bar Association Lunch and Learn Program, "A Beginners Guide to Mandamus and Interlocutory Appeals"
 - Speaker at the 2015 "Texas Energy Law" Symposium and Co-Presenter on "Professional and General Liability Insurance"
 - Author and Speaker at "Exceptional Legal Writing," Texas Bar CLE Seminar, April 2013

Articles and Publications

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- "Movin' on Up – the Nuts and Bolts of Mandamus and Interlocutory Appeals," April 2016
 - The Unintended, Unworkable, and Counterintuitive Application of Article 21.55 of the Texas Insurance Code in the Context of Third Party Insurance Claims
 - Statutory Claims – What Has Changed? – A Review of Chapters 541 and 542 of the Texas Insurance Code

News

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- Record 53 Chamberlain Hrdlicka Attorneys Named to US News – 2021 Best Lawyers in America®
 - Chamberlain Hrdlicka Attorneys named to Houstonia Magazine's 2019 Top Lawyers



Steven J. Knight, Continued

- Record Number of Chamberlain Hrdlicka Attorneys Named to US News 2020 Best Lawyers in America® and Four Attorneys Recognized as Lawyer of the Year
- Chamberlain Hrdlicka Enhances Firm and Individual Chambers Rankings for 2019
- Texas Lawyer article - "Six Ways to Avoid the Most Common Mistakes Trial Lawyers Make on Jury Charges"
- Oil Drilling Consultants found to be Independent Contractors

Articles and Publications

- "Six Ways to Avoid the Most Common Mistakes Trial Lawyers Make on Jury Charges," Texas Lawyer, February 2019
- "Movin' on Up – the Nuts and Bolts of Mandamus and Interlocutory Appeals," April 2016
- The Unintended, Unworkable, and Counterintuitive Application of Article 21.55 of the Texas Insurance Code in the Context of Third Party Insurance Claims
- Statutory Claims – What Has Changed? – A Review of Chapters 541 and 542 of the Texas Insurance Code

Professional Affiliations

- Texas Bar – Appellate Section
- Houston Bar Association – Appellate Section
- Defense Research Institute - Appellate Committee Member
- Co-Chair of the Texas State Bar Appellate Section CLE Committee



Practice Areas

- Commercial Litigation
- Insurance Law
- Construction Law
- Admiralty & Maritime

Education

- Southern Methodist University, Finance, BBA, magna cum laude, 1988
- Northwestern University School of Law, J.D., 1991

Honors

- John Henry Wigmore Scholar, Northwestern University School of Law
- President's Scholar, Southern Methodist University
- A-V Rated Martindale Hubble Law Directory based on peer rating review
- Texas Bar Foundation - Life Fellow
- Houston Bar Foundation - Sustaining Fellow
- Member of the College of the State Bar of Texas
- Texas Annotated Insurance Code 2008, Lexis Nexis; Contributing Editor

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With nearly 30 years of experience in the courtroom and before arbitration tribunals, Christine Kirchner has successfully represented her clients in a variety of complex civil matters. Her client representation focuses on pre-litigation solutions such as risk management, a comprehensive review of the client's insurance programs, as well as successfully and efficiently navigating clients through the active phase of the dispute, whether that be in litigation or arbitration.

As a certified mediator since 2016, Ms. Kirchner also brings unique perspective to her clients in fashioning creative resolutions for complex business disputes where protracted litigation does not make good business sense. These resolutions frequently include commercial terms in addition to monetary terms to add to the company's bottom line -- as opposed to detracting from it.

Ms. Kirchner has represented clients in all forums, including state and federal courts, as well as binding arbitration before the AAA (American Arbitration Association), Financial Industry Regulatory Authority ("FINRA"), the ICDR (International Center for Dispute Resolution), Houston Maritime Arbitrators Association and other private alternate dispute resolution forums. Ms. Kirchner's civil litigation practice focuses on both complex commercial and tort matters. Ms. Kirchner's expertise in commercial matters ranges from complex construction, products liability, securities litigation, professional liability for financial professionals, minority and derivative shareholder claims, disputes related to ownership succession of closely held corporations, to wrongful competition and breach of contract actions. She has also handled *Qui tam* or whistleblower suits over the years for healthcare professionals and contractors facing claims related to violations of the False Claims Act.

Most recently, in conjunction with her tax and corporate transactional colleagues at the Firm, Ms. Kirchner has handled significant private company transaction disputes, including post acquisition indemnification claims against established escrows; shareholder and ownership contests; as well as partnership disputes and litigation involving the invocation of buy/sell agreements.



- Named a "Top Lawyer,"
Houstonia Magazine, 2019

Bar Admissions

- Illinois
- Texas

Court Admissions

- Court of Appeals for Fifth
Federal Circuit
- U.S. District Court, All
Districts of Texas
- Northern District of Illinois

Christine Kirchner, Continued

She has represented aggrieved shareholders and members of various business entities to pursue improper and fraudulent practices with regard to entity operations, as well as defended entities and majority shareholders against claims of fraud, misrepresentation and breaches of fiduciary duties. Most disputes involve complex issues relating to financial operations of the entity, intellectual property, trade secrets or real estate interests.

Additionally, as a result of her years of practice in the tort area, Ms. Kirchner is a recognized construction and insurance law expert, representing carriers, and at times policyholders, in contractual disputes related to insurance coverage, as well as extra-contractual actions related to deceptive trade practice, statutory Insurance Code violations, the alleged mishandling of claims coverage, and opportunities to settle and protect the policyholder within policy limits.

Ms. Kirchner started her career in underwriting and with the formation of syndications for the offshore and London markets. Her experience in insurance includes all aspects from underwriting, coverage interpretation through claim resolution, including subrogation. Her intimate understanding of insurance contracts has enhanced her success in both insurance and construction litigation.

Ms. Kirchner also represents contractors and owners in a variety of construction and design professional litigation and arbitrations through final award phase with a particular emphasis on indemnity and additional insured issues. She actively handles international disputes relating to procurement and construction projects, as well as offshore marine construction issues and property and contract related admiralty disputes. These include vessel and rig failures, as well as the arbitration of Party Charter agreements. She has also defended brokerage firms and other financial institutions, as well as registered representatives and financial professionals before self-regulatory organizations and in arbitration, state and federal courts.

Ms. Kirchner is a frequent author and speaker at construction and insurance-related seminars and conferences. Her clients range from individuals, private entities and closely held entrepreneurial companies to large national insurance carriers and public companies with large self-insured retentions.

Ms. Kirchner prides herself in understanding each individual client's business and operations, the unique challenges that a client may face with regard to risk management, contract drafting and resolving disputes. In doing so, she achieves an efficient and business-oriented outcome on behalf of her clients, regardless of the size or nature of the dispute or relative size of the client.



Christine Kirchner, Continued

Representative Cases

- Successful defense of large design-build/ construction firm and denial of plaintiff's claims via summary judgment, resulting in full denial of Plaintiff's claims as a matter of law related to contractor's operation on government property. 2020: Civil Action No. 6:19-cv-241; *Richard G. Benton v. Whitesell-Green, Inc., New Action Mobile Industries, LLC, and Williams Scotsman, Inc.*; In the United States District Court for the Western District of Texas – Waco Division.
- Obtained complete defense verdict and recovery of client's fees in excess of \$1 million related to its defense of claims of misappropriation of trade secrets and breach of employment agreements with inventor of proprietary technology. Bench trial 2019: Civil Action No. 4:12-cv-01811; *ATOM Instrument Corporation, et al. v. Petroleum Analyzer Company, L.P.*; In the United States District Court for the Southern District of Texas – Houston Division.
- Successful representation and defense of Seller of privately held food distribution business against Buyer's first party and third party indemnification claims against closing escrow. Claims included allegations of breaches of representations and warranties, as well as fraud in federal court seeking to recover in excess of the escrow cap. (Confidential settlement of federal court proceeding, 2019)
- Obtained substantial affirmative recovery for minority interest member in entity where private equity stakeholders improperly engaged in a "force out" of the founder and misappropriation of his intellectual property. (Confidential settlement of state court proceeding, 2019)
- Arbitration award successfully obtained in defense of client in offshore marine construction dispute involving millions of dollars in alleged standby and disputed work charge claims. Arbitration 2017: *Gulf Contracting Limited v. Ranger Offshore, Inc.*; Private Arbitration Administered Pursuant to the Federal Arbitration Act and the Rules of the Houston Maritime Arbitrators Association, Harris County, Texas.
- Obtained multi-million dollar result on behalf of local oil and gas distributor against a major national lender related to faulty and fraudulent credit facilities. (Confidential settlement of federal court proceeding, 2015).
- Successfully defended closely held company accused of fraud and breach of fiduciary obligations against minority stakeholder claims in excess of \$10 million, and successfully prevailed on counter-claims for conversion, fraud and breach of fiduciary duty by the company's President. Jury trial: Cause No. 12CV2311; *Charlene May and Greg May, Individually and on behalf of JMFA-Greggy Girl, Inc. v. John M. Floyd, Cher Floyd, JM Floyd & Associates, Greggy Girl, L.P., John M. Floyd & Associates, Inc., John M. Floyd & Associates I, Ltd., Champagne Realty Services, Inc., Chase Management Services, Inc., INXS Texas, Ltd., and JMFA-Greggy Girl, Inc.*; In the District Court of Galveston, Texas; 56th Judicial District. (2014).
- Obtained defense ruling as a matter of law in \$96 million dollar False Claims Act case against a federal contractor performing work for the US Dept. of Defense. Summary judgment awarded 2013: Civil Action No. 4:05-cv-00895; *United States of America, et rel., Jal B. Guzder v. MKM Engineers Inc.; Khodadad Irani; Gurinder M. Rana; PIKA International, Inc.; and Tirandaz Kasnavia*; In the United States District Court for the Southern District – Houston Division.
- Obtained multimillion dollar judgment on behalf of restoration contractor against property owner for fraudulent conversion of insurance proceeds. Jury trial Cause No. 2009-09890; *Unlimited Restoration, Inc. v. Boxer Property Management Corp. and 1002 Gemini Interests, LLC*, In the 113th Judicial District Court for Harris County, Texas. (2011).



Christine Kirchner, *Continued*

- Successful defense of critical burn and death case against bottle distribution company and full recovery of losses from gunpowder manufacturer and packager. Civil Action No. 1:06cv0622; *Kelly Wales, Individually and Scotty Wales, Individually and as Independent Administrator of the Estate of James Amos Wales v. Alliant Techsystems Inc. d/b/a Alliant Powder*, In the United District Court for the Eastern District of Texas – Beaumont Division. (2009).
- Successful defense of major hospital client in connection with wrongful death premises liability claim involving third party criminal activity on premises. (2007).
- Arbitration award in favor of maritime client in connection with sale of assets in the Houston port and successful defense against commercial fraud allegations. Arbitration No. 50 T 132 00282 03; *Roland Malins-Smith, Jose Perez and Seafreight Agencies, Inc. v. J. Barry Snyder, Signet Maritime Corp. and Signet Seafreight Shipping Co.* (2005).
- Judgment as a matter of law during federal bench trial concerning product liability claims in maritime context as well as breach of contract issues. Civil Action No. H-00-0157; *Condux S.A. de C.V. v. Ships Machinery International, Inc.*; In the United States District Court for the Southern District of Texas, Houston Division. (2003).
- Prevailed in multi-million dollar extra-contractual bad faith and coverage lawsuit seeking in excess of \$39 million dollars for coverage due to alleged "Stowers" violation by carrier in handling of defense and failure to settle case within policy limits. Case was significant in developing late notice defense in Texas with no prejudice requirement under advertising injury coverage in liability policies. *New Era of Networks, Inc. v. Great Northern Insurance Company, et al.*, 2003 WL 23573645 (S.D. Texas). (2003).
- Successful defense of premises liability case involving catastrophic injuries/quadruplegic on behalf of premises owner on basis of third party crime and successfully developed concept of proportionate responsibility on "John Doe" Defendant. *James Bravo Palacio, et al. v. Greystar Management Services, L.P., et al.*, 110 S.W.3d 493 (Tex. App. – Waco 2003, no pet.).
- Houston 14th Court of Appeals case clarifying non-recourse instruments under Texas law; *Steven Fein v. R.P.H., Inc., Trustee*, 68 S.W.2d 3 (Tex. App. – Houston [14th Dist.] 2002).
- Fifth Circuit case of first impression concerning Federal Arbitration Act preemption of state arbitration laws; *OPE International L.P. v. Chet Morrison Constructors, Inc.*, 258 F.3d 443 (5th Cir. 2001).

Presentations

- Managing Risk and Exposure for Employment Related Claims Through Insurance Coverage; The Association of Corporate Counsel, Georgia Chapter; July 2014.
- Texas Annotated Insurance Code; Lexis Nexis 2013 Edition, Contributing Editor. Texas Annotated Insurance Code; Lexis Nexis 2012 Edition, Contributing Editor. Texas Annotated Insurance Code; Lexis Nexis 2011 Edition, Contributing Editor. Texas Annotated Insurance Code; Lexis Nexis 2010 Edition, Contributing Editor. Texas Annotated Insurance Code; Lexis Nexis 2009 Edition, Contributing Editor.
- Texas Prompt Payment Statute: Answering Unanswerable Questions When the Clock is Ticking; Winter 2009. Texas Annotated Insurance Code; LexisNexis 2008 Edition, Contributing Editor.
- Texas Annotated Insurance Code; LexisNexis 2007 Edition, Contributing Editor.
- The Unintended, Unworkable and Counterintuitive Application of Article 21.55 of the Texas Insurance Code in the Context of Third Party Insurance Claims, Winter 2006.



Christine Kirchner, Continued

- *Strategies for Avoiding Traps and Pitfalls in Time-limit and Policy Limit Demands: An Overview of the Stowers Doctrine Under Current Texas Law*, Spring 2005.
- *Common Insurance Coverage Battles in the Construction Defect Arena: Unresolved Disputes Between Insureds, Additional Insureds and Their Carriers*, South Texas College of Law Insurance Law Summit, January 2005.
- *Hype or Reality? The Moldy Situation in Texas*, Spring 2002; In-house training to Everest National Insurance Company.

Other Information

- Proficient in German language.
- Culturally diverse, extensive travel, post-graduate work and overseas residency.

Community Activities

- Trustee, The Awty International School (2015-present); Chair of the Advancement Committee 2015-2018.
- Honorary Chair, 2015 Gala, Mission of Yahweh (Women and Children's Shelter serving Northwest Houston). Chair, 2014 Gala, Mission of Yahweh (Women and Children's Shelter serving Northwest Houston).
- Auction Committee, 2013 Gala, Mission of Yahweh (Women and Children's Shelter serving Northwest Houston).
- "Christmas on a Mission" Committee, Providing Christmas morning celebration to residents of Mission of Yahweh. (2015, 2014). Patron and Underwriter 2015, Mercury Orchestra.
- Host Committee, 2015 Gala, Mercury Orchestra.
- Uptown Dance Center – Fundraising Activities (2014, 2015).
- Underwriter, Home Safe Home Gala, 2014, 2013, Aid to Victims of Domestic Abuse (AVDA).
- Northwestern University School of Law; Admissions and Interview Committee. (2000 – 2010). Pro bono ad valorem tax work for local economically disadvantaged businesses. (Ongoing).

News

- Key Steps for Keeping the "Civil" in CID 2020
- Chamberlain Hrdlicka Attorneys named to Houstonia Magazine's 2019 Top Lawyers Houstonia Magazine's 2018 Top Lawyers
- Why We Should Pay Attention to the Ewing CGL Case 'Do Over' in Texas
- How Liberty Mutual Prepared for Ballenger's Bankruptcy, ENR.com, January 2013
- The Struggle To Achieve Equity Partner Status

News

- Chamberlain Hrdlicka Attorneys named to Houstonia Magazine's 2019 Top Lawyers
- Houstonia Magazine's 2018 Top Lawyers
- Why We Should Pay Attention to the Ewing CGL Case 'Do Over' in Texas
- How Liberty Mutual Prepared for Ballenger's Bankruptcy, ENR.com, January 2013



Christine Kirchner, *Continued*

- The Struggle To Achieve Equity Partner Status

Professional Affiliations

- American Bar Association (Tort Insurance Practice Section; Insurance Coverage Section) Federal Bar Association
- Texas Bar Association
- TADC (Texas Association Defense Counsel) DRI (Defense Research Institute)
- Garland Walker Inns of Court CEB (Counsel on Ethical Billing)
- CLM - Claims Litigation Management



Practice Areas

- Commercial Litigation
- Insurance Law

Education

- University of Houston Law Center, J.D., 2015; Order of Barristers; Houston Journal of International Law, Board 38, Articles Editor
- University of Oklahoma, B.A., 2007

Bar Admissions

- Texas

Court Admissions

- United States District Court Southern District of Texas
- United States District Court Eastern District of Texas
- United States District Court Northern District of Texas
- United States District Court Western District of Texas

Pierce T. Cox

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Pierce Cox is a litigator experienced in regulatory compliance, fraud investigation, and electronic discovery. Pierce has earned the Certified Information Privacy Professional/United States (CIPP/US) credential through the International Association of Privacy Professionals, and advises clients regarding compliance with data privacy laws, preparing for and reducing exposure to data privacy threats, and mitigating potential losses from data breaches or misuse of information assets.

Prior to attending law school, Pierce was an Internet enforcement investigator for the Consumer Protection Division of the Texas Attorney General's Office. Pierce developed cases under Texas statutes governing privacy and data protection, identity theft, and spam email while working to raise constituent awareness on information privacy issues. Pierce also helped to establish the Texas AG's dedicated electronic discovery team as an eDiscovery Technician.

Pierce's clients benefit from his strong advocacy skills. In law school, Pierce won national and regional awards for his writing and speaking skills while competing as a member of the University of Houston Law Center Moot Court Team. Pierce led The Advocates at UHLC as Executive Chair, and served as an Articles Editor on Board 38 of the Houston Journal of International Law. His international energy comment is published in Volume 37 of the Journal. Pierce is a member of the Order of Barristers and an Eagle Scout.

Significant Cases

- Secured summary judgment for employer client on alleged breach of severance agreement.
- Drafted Rule 91a motion in complex lawsuit against attorney client which resulted in nonsuit.
- Obtained take-nothing summary judgment for insurer client in first-party action alleging bad-faith failure to pay under comprehensive auto policy.



Pierce T. Cox, *Continued*

Seminars & Presentations

#gumshoe: An Introduction to Gathering Evidence on the Web, presented at Cybersecurity: What State Prosecutors Need to Know
hosted by National Association of Attorneys General, Spring 2011

Articles and Publications

- Prying Eyes: Protecting the Confidentiality of Defense and Claim Files (03/2017)
- Hail No: Insurer Prejudiced by Insured's Delay in Reporting Storm Damage Claim (05/2016)
- Electricity And Natural Gas In India: An Opportunity For India's National Oil Companies, 37 HOUS. J. INT'L. L. 893 (06/2015)

Professional Affiliations

- American Bar Association
- Texas Bar Association
- Houston Bar Association
- Houston Young Lawyers Association
- International Association of Privacy Professionals